

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDRE BUTLER,

Plaintiff,

v.

G. SALAZAR, et al.,

Defendants.

Case No. [14-cv-04136-CRB](#)

**ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL**

Re: Dkt. 99

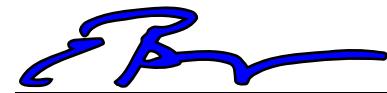
Caroline Walters and Matthew Gelfand move to withdraw from representing Andre Butler, the plaintiff in this case. The Court appointed Ms. Walters and Mr. Gelfand as pro bono counsel to aid Mr. Butler in prosecuting his case after it denied in part the Defendants' motion for summary judgment. Order Appointing Counsel (dkt. 46). It then referred the case to a magistrate to conduct a settlement conference. Referral Order (dkt. 51). Mr. Butler's attorneys represent that Mr. Butler has refused to attend settlement conferences, requiring those conferences to be rescheduled several times. Mot. to Withdraw (dkt. 99); see also Minute Orders (dkts. 87, 88, 92, 93). Finally, the magistrate held a conference, but was forced to terminate the conference when Mr. Butler failed to attend. Minute Order (dkt. 96). Mr. Butler's attorneys represent that Mr. Butler "ceased responding to [them] entirely" in October 2017. Gelfand Decl. (dkt. 99-1) at ¶ 4. They also represent that their client has been urging them to press arguments that are not "warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law." Fed. R. Civ. P. 11(b)(2); see Gelfand Decl. at ¶ 8.

The Court held a hearing regarding the motion to withdraw on Feb. 23, 2018. Mr.

1 Gelfand was present at the hearing, and Mr. Butler appeared by phone. Mr. Butler
2 represented that he was not interested in attending a settlement conference, and that he
3 wished to press arguments that this Court has already rejected. His representations were
4 largely consistent with those of his attorneys. Accordingly, the Court finds that the
5 attorney-client relationship is irrevocably broken, and that good cause exists for Mr.
6 Butler's attorney to withdraw. See Civ. Local R. 11-4(a)(1). It excuses Ms. Walters and
7 Mr. Gelfand from representing Mr. Butler.

8 **IT IS SO ORDERED.**

9 Dated: March 12, 2018



10 CHARLES R. BREYER
11 United States District Judge

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28